

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CASE NO. 8:09CR368
)	
vs.)	
)	MEMORANDUM AND ORDER
ARIEL SANCHEZ-GARCIA,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's motion filed under Federal Rule of Civil Procedure 60(b)(6) (Filing No. 140).

The Defendant challenges his conviction based on alleged grounds on ineffective assistance of counsel. The Defendant may not his relitigate his § 2255 motion through Rule 60(b) in what is essentially a successive motion filed without the Eighth Circuit's approval. *United States v. Patton*, 309 F.3d 1093, 1094 (8th Cir. 2002).

IT IS ORDERED:

1. The motion filed under Federal Rule of Civil Procedure 60(b)(6) (Filing No. 140) is denied; and
2. The Clerk is directed to mail a copy of this memorandum and order to the Defendant at his last known address.

DATED this 20th day of December, 2011.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge